



Atty. Dkt. No. 087147-0604

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicants: Hiroyuki ODAKA et al.  
Title: AGENT FOR IMPROVING ACIDOSIS  
Appl. No.: 10/717,738  
Filing Date: 11/20/2003  
Examiner: Kevin E. Weddington  
Art Unit: 1614  
Confirmation No. 8700

**TERMINAL DISCLAIMER**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, **Takeda Pharmaceutical Company, Limited**, having its principal place of business at 1-1, Doshomachi 4-chome, Chuo-ku, Osaka, Japan, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. **10/717,738**, filed **11/20/2003**, which is a continuing of U.S. Patent Application No. **09/937,447**, filed **09/26/2001**, by virtue of an Assignment filed and recorded on **06-02-2005**, on Reel/Frame **018917/0406**, in the United States Patent and Trademark Office, a copy of the Patent Assignment Abstract of Title from the USPTO website is attached hereto as **APPENDIX A**.

Further, your Petitioner represents that it is the owner of U.S. Patent No. **6,677,363**, which issued on U.S. Patent Application No. **09/937,447**, filed **09-26-2001**, by virtue of an Assignment filed and recorded on **01-19-2005**, on Reel/Frame **015612/0101**, in the United

States Patent and Trademark Office, a copy of the Patent Assignment Abstract of Title from the USPTO website is attached hereto as **APPENDIX B**.

Your Petitioner, Takeda Pharmaceutical Company, Limited, hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,677,363, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,677,363 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 6,677,363 as defined in 35 U.S.C. §§ 154-156 and 173, in the event that U.S. Patent 6,677,363 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC § 154, prior to the full statutory term of U.S. Patent 6,677,363 as defined in 35 USC §§ 154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 6,677,363, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§ 155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Patent Assignment Abstracts of Titles from the USPTO website, attached as APPENDICES A and B, and to the best of his knowledge and belief, legal title to the above identified patent application and U.S. Patent 6,677,363 rests with Petitioners, Takeda Pharmaceutical Company, Limited. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date Aug. 15, 2007

By 

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5569  
Facsimile: (202) 672-5399

Stephen B. Maebius  
Attorney for Applicants  
Registration No. 35,264

The Commissioner is hereby authorized to  
charge any deficiency or credit any over-  
payment to Deposit Account No. 19-0741

# **APPENDIX A**

10/717,738 AGENT FOR IMPROVING ACIDOSIS

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**Patent Assignment Abstract of Title**

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**Total Assignments: 1****Application #:** 10717738**Filing Dt:** 11/20/2003**Patent #:** NONE**Issue Dt:****PCT #:** NONE**Publication #:** US20040106649**Pub Dt:** 06/03/2004**Inventors:** Hiroyuki Odaka, Masami Suzuki**Title:** AGENT FOR IMPROVING ACIDOSIS**Assignment: 1****Reel/Frame:** 018917 / 0406**Received:** 02/13/2007**Recorded:** 06/02/2005**Mailed:** 02/22/2007**Pages:** 4**Conveyance:** CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).**Assignor:** TAKEDA CHEMICAL INDUSTRIES, LTD.**Exec Dt:** 10/13/2004**Assignee:** TAKEDA PHARMACEUTICAL COMPANY LIMITED

1-1, DOSHOMACHI 4-CHOME, CHUO-KU

INTELLECTUAL PROPERTY DEPARTMENT

OSAKA, JAPAN 541-0045

**Correspondent:** MARK CHAO, PH.D., JD

INTELLECTUAL PROPERTY DEPARTMENT

TAKEDA PHARMACEUTICALS NORTH AMERICA, INC

475 HALF DAY ROAD

LINCOLNSHIRE, IL 60068

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## **APPENDIX B**

09/937,447

AGENT FOR IMPROVING KETOSIS

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**Patent Assignment Abstract of Title**

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**Total Assignments: 2****Application #:** 09937447**Filing Dt:** 09/26/2001**Patent #:** 6677363**Issue Dt:** 01/13/2004**PCT #:** NONE**Publication #:** NONE**Pub Dt:****Inventors:** Hiroyuki Odaka, Masami Suzuki**Title:** AGENT FOR IMPROVING KETOSIS**Assignment: 1****Reel/Frame:** 012337 / 0093**Received:** 01/25/2002**Recorded:** 09/26/2001**Mailed:** 01/28/2002**Pages:** 3**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** ODAKA, HIROYUKI**Exec Dt:** 07/30/2001

SUZUKI, MASAMI

**Exec Dt:** 07/30/2001**Assignee:** TAKEDA CHEMICAL INDUSTRIES LTD.  
INTELLECTUAL PROPERTY DEPARTMENT  
1-1, DOSHOMACHI 4-CHOME CHUO-KU  
OSAKA, JAPAN 540-8**Correspondent:** TAKEDA PHARMACEUTICALS NORTH AMERICA INC  
MARK CHAO, PHD, JD  
INTELLECTUAL PROPERTY DEPARTMENT  
SUITE 500  
LINCOLNSHIRE, ILLINOIS 60077**Assignment: 2****Reel/Frame:** 015612 / 0101**Received:** 01/19/2005**Recorded:** 01/19/2005**Mailed:** 01/27/2005**Pages:** 13**Conveyance:** CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).**Assignor:** TAKEDA CHEMICAL INDUSTRIES, LTD.**Exec Dt:** 06/29/2004**Assignee:** TAKEDA PHARMACEUTICAL COMPANY, LIMITED  
1-1, DOSHOMACHI 4-CHOME  
CHUO-KU, OSAKA, JAPAN**Correspondent:** DAVID J. CUSHING  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

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